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No. 9 Original

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1966

UNITED STATES OF AMERICA,
Plaintiff

v.

STATE OF LOUISIANA, TEXAS, ET AL.,
Defendants

PETITION FOR REHEARING OF DEFENDANT, THE STATE OF TEXAS

CRAWFORD C. MARTIN
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Staff Legal Assistant

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UNITED STATES OF AMERICA,
Plaintiff

v.

STATE OF LOUISIANA, TEXAS, ET AL.,
Defendants

PETITION FOR REHEARING OF DEFENDANT, THE STATE OF TEXAS

The State of Texas hereby petitions the court for a rehearing of this cause and reconsideration of the majority opinion.

PRELIMINARY STATEMENT

The basic question presented to the Court in this proceeding is whether permanent harbor works should be considered as part of the base line in calculating the three leagues grant of submerged lands to which Texas has been held entitled under the Submerged Lands Act. This question was affirmatively answered in the dissent, although the conclusion was reached in the majority opinion that such harbor works should not be so considered.

The State of Texas respectfully states that the ma-

jority was in error, as hereinafter set forth, and that the majority opinion herein will result in inequities to this Petitioner, as no distinction should be made between the definition of the Texas coastline and the coastline defined and applied by this Court in *United States v. California*, 381 U.S. 139.

Therefore, Texas urges that a rehearing should be granted before final disposition of this case and, as grounds therefore, would present the following Points of Error.

ARGUMENT

I.

The Court erred in refusing to determine that the term "coastline" as used in the Submerged Lands Act, is equally applicable to all coastal states.

II.

The Court erred in refusing to determine that the term "coastline" as applicable to states claiming "historic boundaries," means the present coastline, including permanent artificial structures, which form integral parts of harbor systems and from which "three marine leagues" should be measured.

III.

The Court erred in refusing to determine where "land" is now located, from which Texas can measure three leagues in order to determine its historic boundary claim.

CONCLUSION

WHEREFORE, for the foregoing reasons, the State of Texas respectfully requests that the Court rehear the above entitled and numbered cause and grant the relief requested.

Respectfully submitted,

CRAWFORD C. MARTIN
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GEORGE COWDEN
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Assistant Attorney General

C. DANIEL JONES, JR.
Assistant Attorney General

December 29, 1967

CERTIFICATE

The foregoing petition for rehearing is believed to be meritorious and is presented in good faith and not for delay.

CRAWFORD C. MARTIN
Attorney General of Texas

CERTIFICATE OF SERVICE

I, Crawford C. Martin, Attorney General of Texas, a member in good standing of the Bar of the Supreme Court of the United States, hereby certify that on the 29th day December, 1967. I served copies of the foregoing Petition for Rehearing either in person or by mail, postage prepaid, to the office of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C., and to the Attorneys General of the States of Alabama, Florida, Louisiana and Mississippi respectively.

CRAWFORD C. MARTIN
Attorney General of Texas